

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/141,374

Filing Date: 5/8/02

Applicant: Hyon et al.

Group Art Unit: 3738

Title: Ultra High Molecular Weight Polyethylene  
Molded Article for Artificial Joints and Method of  
Preparing the Same

Reissue of U. S. Patent 6,168,626, Issued 01/02/2001

Attorney Docket: 5490-000280/REA

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Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**STATEMENT UNDER 37 CFR 3.73(b) AND POWER OF  
ATTORNEY OR AUTHORIZATION OF AGENT**

Under 37 C.F.R. § 3.73(b), the undersigned hereby states that the below-named Assignee is an assignee in the above-identified Patent and Reissue Application:

Assignee: BMG Incorporated

The documentary evidence of a chain of title from the original owner to the Assignee is provided in the Assignment Document(s):

filed herewith,

previously filed,

Reel No. 008082, Frame No. 0009.

**POWER OF ATTORNEY**

I hereby appoint each practitioner at Customer No. 27572 ( \*27572\* ) of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**CORRESPONDENCE ADDRESS**

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572 ( \*27572\* ), Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

The undersigned, whose title is supplied below, is empowered to sign this certificate on behalf of the assignee.

BMG Incorporated

Date: 7/30/02

Name: Yoko Gen  
Title: C.E.O.

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ASSIGNEE CONSENT UNDER 37 C.F.R. 1.172

BMG, Incorporated, assignee and sole owner of U.S. Patent No. 6,168,626 B1 which issued to Hyon et al. on January 2, 2001, consents to the filing of the Reissue Application No. 10/141,374 filed May 8, 2002 for the reissue of said U.S. Patent No. 6,168,626 B1.

BMG Incorporated

Date: 7/30/02

  
Name: Yoko Gen  
Title: C.E.O.

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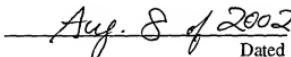
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Statement Under 37 C.F.R. 1.69(b)

I hereby state, to the best of my knowledge, that the attached "Reissue Application Declaration by the Inventor" for the above captioned Reissue Application sets forth an accurate English-language translation of its Japanese-language text.

  
Signature  
Shigeumi Okumura

  
Dated

REISSUE APPLICATION DECLARATION BY  
THE INVENTOR

Docket Number  
5490-000280/REA

私は、以下に記名された発明者として、ここに下記の通り宣言する：

私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である（唯一の氏名が記載されている場合）か、或いは最初、最先且つ共同発明者である（複数の氏名が記載されている場合）と信じている。

（下記の名称の発明は、2001年1月2日に認められた特許番号6,168,626である。再発行特許出願する発明の名称は「人工関節用超高分子量ポリエチレン成形物およびその製造法」。）

明細書は

ここに添付した。  
 2002年5月8日に再発行特許出願され、  
2002年5月8日に補正された。再発行特許出願番号は10/141,374。

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

私は、述邦規則法典第37編規則1.56に定義されている、特許性について重要な情報を示す義務があることを認める。

私は、真に、原特許は、全く又は一的実施不能又は無効であると信じる。（当てはまるもの全てをチェックする）

明細書又は図面の欠陥があるため  
 特許権者が請求しうる以上又は以下のクレームをしているという理由により  
 その他の誤りにより

再発行特許出願は、少なくとも上記ひとつに基きなされており、詳細は以下のとおりである：我われは、その発明の重要な実施例を具体的に主張しなかった。特に、記録に残っている参考文献から特許可能である、好まれる照射レベルに焦点をあてた、実施例にはふれていなかつた。それらは、新たなクレーム1.2、2.3、3.1、4.0、5.4、7.1、8.4と1.11の中に、また関連する従属クレーム中に照射レベルが少なくとも1MRと明示され、盛り込まれている。

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is Described and claimed in Patent Number 6,168,626 granted 01/02/2001, and for which a reissue patent is sought on the invention entitled *Ultra High Molecular Weight Polyethylene Molded Article for Artificial Joints and Method of Preparing the Same*

The specification of which

is attached hereto  
 was filed on 5/8/02 as reissue application number  
10/141,374 and was amended on 5/8/02.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)  
 by reason of a defective specification or drawing.  
 by reason of the patentee claiming more or less than he had the right to claim in the patent.  
 by reason of other errors.

At least one error upon which reissue is based is described as follows:  
We did not specifically claim certain important embodiments of the invention. In particular, we did not claim embodiments, focusing on preferred levels of irradiation which are patentable over the references of record. Such embodiments are claimed in new Claims 12, 23, 31, 40, 54, 71, 84, and 111, and associated dependent claims, wherein the level of irradiation is specified to be at least about 1 MR.

**REISSUE APPLICATION DECLARATION BY  
THE INVENTOR**

Docket Number  
5490-000280/REA

全ての誤りは、出願人の詐欺的な意図によるものではなく、この再発行特許出願で正される

委任状： 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての交渉を進行するために、既名された発明者として、下記の弁護士及び／または弁理士を任命する。（氏名及び登録番号を記載すること）

氏名 登録番号  
David L. Suter 30,692  
Mark A. Frentrup 41,026  
Stephen J. Foss 31,251

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorneys and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Names Registration Number  
David L. Suter 30,692  
Mark A. Frentrup 41,026  
Stephen J. Foss 31,251

連絡先：本件にかかる全ての連絡は、

カスタマーナンバー

Correspondence Address: Direct all communications about the application to:

Customer Number 27572 (  )

法律事務所または個人の名称

Harness, Dickey, and Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303

Firm or Individual Name:

Harness, Dickey, and Pierce, P.L.C.  
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電話番号

(248) 641.1600

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(248) 641.1600

ファックス番号

(248) 641.0270

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(248) 641.0270

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ信頼と信じることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により懲罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対する発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

REISSUE APPLICATION DECLARATION BY  
THE INVENTORDocket Number  
5490-000280/REA

唯一または第一発明者氏名	Full name of sole or first inventor Suong-Hyu Hyon		
発明者の署名	日付	Inventor's signature	Date  July 30, 2002
住所	Residence 29-13 Gobyo, Uji-shi, Kyoto-fu, 611-0021, JAPAN		
国籍	Citizenship Korean		
郵便の宛先	Post Office Address Same		
Masanori Oka			
第二共同発明者がいる場合、その氏名	Full name of second joint inventor, if any OKA, MASANORI		
第二共同発明者の署名	日付	Second inventor's signature	Date  2002.7.1
住所	Residence 3-5-5-701, Omiyacho, Nara-shi, Nara-ken, 630-8115, JAPAN		
国籍	Citizenship Japan		
郵便の宛先	Post Office Address same		
(第三以下の共同発明者についても同様に記載し、署名をすること)		(Supply similar information and signature for third and subsequent joint inventors.)	